

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0972-01
Bill No.: HB 213
Subject: Criminal Procedure; Attorneys; Courts
Type: Original
Date: February 12, 2013

Bill Summary: This proposal makes any party taking a deposition in a criminal case responsible for the cost of providing one copy of the transcript of the deposition to the opposing party.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Local Government	\$0	\$0	\$0

RS:LR:OD

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Public Defender (SPD)** state the bill would require them to begin paying for the prosecutor's copy of depositions. The FY 2012 SPD statewide payments for depositions and the subsequent copies was \$494,302. Local Public Defender Office budgets also paid for depositions of less than \$500. For the purpose of this fiscal note, they assumed that another 25% was paid from local budgets for a total of \$617,877. They further assumed that another 5% of this cost would cover the cost of providing a copy of the deposition to the prosecuting attorney. (\$31,666 per year)

Officials from the **Office of the State Courts Administrator** assume the proposal would not fiscally impact the courts.

Officials from the Office of Prosecution Services did not respond to **Oversight's** request for fiscal impact.

Oversight notes that the SPD did not indicate how often their office pays for copies of depositions received from prosecutors. With this bill, public defenders would not have to pay for those copies.

Oversight assumes costs (providing copies to the opposing party) and savings (receiving free copies from the opposing party) to the SPD (state fiscal impact) and similar costs and savings to prosecuting attorneys (local fiscal impact) would result in a minimal net fiscal impact which could be absorbed within current appropriations.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	\$0	\$0	\$0
<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	\$0	\$0	\$0

FISCAL IMPACT - Small Business

Legal firms which are small businesses could be affected by this proposal.

FISCAL DESCRIPTION

The proposed legislation would require any party taking a deposition in a criminal case be responsible for providing a copy of the deposition to the opposing party.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator
Office of the State Public Defender

Not Responding:

Office of Prosecution Services



Ross Strope
Acting Director
February 12, 2013